

**REMARKS**

**Status of the Application**

Claims 1, 2 and 4-6 are the claims that have been examined in the present application. Claim 1 stands rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Shoji (U.S. Patent No. 6,433,341). Claims 2, 4, 5, and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shoji (U.S. Patent No. 6,433,341) in view of Tamakoshi et al. (U.S. Patent No. 6,806,487).

By this Amendment, Applicant is amending claim 1.

**Claim Rejections under 35 U.S.C. § 102**

*Claim 1 stands rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Shoji (U.S. Patent No. 6,433,341).*

Amended claim 1 recites, “wherein the order data comprises data directly regarding the subject or a portion of the subject to be imaged.” The Examiner alleges that Shoji discloses all of the elements of claim 1. However, the counter value “C”, which is correlated to a photographing menu, *indirectly* indicates a subject portion of a subject to be imaged. Therefore, amended claim 1 is patentable over the applied art.

**Claim Rejections under 35 U.S.C. § 103**

*Claims 2, 4, 5, and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shoji (U.S. Patent No. 6,433,341) in view of Tamakoshi et al. (U.S. Patent No. 6,806,487).*

Claims 2, and 4-6 are dependent from amended claim 1. Because Shoji fails to teach all of the aspects of amended claim 1, and because Tamakoshi fails to cure the defects noted in Shoji, claims 2, and 4-6 are patentable at least by virtue of their dependency from claim 1.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

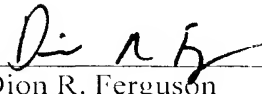
Respectfully submitted.

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